

Attorney Docket No. 5489-69021

Application No. 10/039,584 (Filed October 26, 2001)

Reply to Office Action dated March 27, 2006

Remarks

Claims 1-63 are pending in the subject application. Claim 1 has been amended.

Reconsideration of the rejection of claims 1-63 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,283,761 to Joao (“Joao”) is requested. It is believed that amended independent claim 1, and dependent claims 2-63, are not anticipated by Joao for the reasons given below.

Regarding claim 1, Joao does not disclose or suggest a method including “the first healthcare provider requesting a consultation on a machine via the internet, and the second healthcare provider submitting a consultation on a machine via the internet.” In addition, Joao does not disclose or suggest that “wherein requesting a consultation includes consult data and submitting a consultation includes the second healthcare provider’s assessment and/or diagnosis.” In support of his contention that Joao teaches the method of claim 1, the Examiner cites the language at Joao’s col. 5, lines 45 et seq., where Joao states that “[t]he present invention can also be utilized to perform treatment evaluations and/or treatment monitoring so as to allow for evaluation and/or monitoring of treatment.” However, contrary to the Examiner’s contention, the language at col. 5, lines 45 et seq., refers to Joao’s Figs. 8A and 8B and corresponding description beginning at col. 27, line 58, and ending at col. 29, line 15, and it has nothing whatsoever to do with the recitations in claim 1. For example, at col. 28, lines 38 et seq., Joao states that “[a]t step 803, the central processing computer 10 will perform a processing routine in conjunction with the above-described information in order to determine if the diagnoses and associated and/or related treatment or treatments are appropriate and/or in-line with current standards for the given healthcare field.” Further, at col. 28, lines 52 et seq., Joao states that “[t]he central processing computer, in another preferred embodiment, can, at step 803 and/or at. step 804, determine and/or provide, as part of the evaluation report, information concerning whether the diagnoses and/or treatments are considered appropriate and/or valid, and/or in-line with standards, as well as recommend that claims for the treatment(s) are valid and should be paid by the payer, and/or that the claims for the treatment(s) are invalid and should be denied..” There is no teaching whatsoever in Joao of a method including “the first healthcare provider requesting a consultation on a machine via the internet, and the second healthcare provider submitting a